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s/

Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
PENG CHO TANG, et al.,

Serial No.: 10/725,277

Confirmation No.: 1815

Filed: December 2, 2003

**For: INDOLINONE DERIVATIVES AS
PROTEIN KINASE/PHOSPHATASE
INHIBITORS**

Group Art Unit: 1626

Examiner: Paviglianiti, Anthony Joseph

TERMINAL DISCLAIMER

Mail Stop: Amendment
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P.O. Box 1450
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Sir:

Sugen, Inc., owner of all title and interest in the above-identified application by virtue of an Assignment recorded at Reel 02078, Frame(s) 0719, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on this application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed before the grant of U.S. Patent No. 6,506,763 issued on second U.S. Patent Application Serial No. 09/916,331, filed on July 30, 2001, or U.S. Patent No. 6,861,418 issued on second U.S. Patent Application Serial No. 10/736,243, filed on December 16, 2003. The owner agrees that any patent granted on the present application shall be enforceable only for and during such period that it and the patent granted on the second application are commonly owned. This agreement runs with any patent granted on the present application and is binding on the grantee and its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as term defined in 35 U.S.C. §§ 154-156 and 173 of the patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such granted patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated before the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

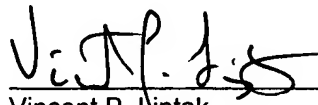
Please charge any fees not submitted herewith required for filing this terminal disclaimer, including the fee under 37 C.F.R. § 1.20(d), to Deposit Account No. 500329.

This is a submission on behalf of the owner. The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

Date: 05/31/2005



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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130.00**Complete if Known**

Application Number	10/725,277
Filing Date	December 2, 2003
First Named Inventor	Peng Cho Tang, et al.
Examiner Name	Paviglianiti, Anthony Joseph
Art Unit	1626
Attorney Docket No.	PC23534B

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 500329 Deposit Account Name: Agouron Pharmaceuticals

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer**Fees Paid (\$)**

130.00

SUBMITTED BY

Signature	<u>Vincent P. Liptak</u>	Registration No. (Attorney/Agent) 53,225	Telephone 858-622-7908
Name (Print/Type)	Vincent P. Liptak	Date 05/31/05	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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